

parties should be made by first class or express mail. A request for an extension must be filed not less than 10 days before the due date. Only the original of the request and certificate of service need be filed with the Commission. If granted, the party making the request should promptly notify all parties to the proceeding of the extension and so certify to the Commission, except that this notification is not required in rulemaking proceedings.

(c) *Exception to time computation rules.* See 49 CFR part 1152 for special abandonment rules.

#### § 1104.8 Objectionable matter.

The Commission may order that any redundant, irrelevant, immaterial, impertinent, or scandalous matter be stricken from any document.

#### § 1104.9 [Reserved]

#### § 1104.10 Rejection of a deficient document.

(a) The Commission may reject a document, submitted for filing if the Commission finds that the document does not comply with the rules.

(b) The Commission may either return the material unfiled or tentatively accept the material for filing and advise the person tendering it of the deficiency and require that the deficiency be corrected.

#### § 1104.11 Amendments.

Leave to amend any document is a matter of the Commission's discretion.

#### § 1104.12 Service of pleadings and papers.

(a) *Generally.* Every document filed with the Commission should include a certificate showing simultaneous service upon all parties to the proceeding. Service on the parties should be by the same method and class of service used in serving the Commission, with charges, if any, prepaid. One copy should be served on each party. If service is made on the Commission in person, and personal service on other parties is not feasible, service should be made by first-class or express mail. When a party is represented by a practitioner or attorney, service upon the

practitioner is deemed to be service upon the party.

(b) *Exceptions.* Copies of letters to the Commission relating to oral argument under part 1116, and subpoenas under § 1113.2, need not be served on other parties of the proceeding. Service of comments in rulemaking proceedings is not required, unless specifically directed by the Commission.

(c) *Sample Certificate of Service.*

I certify that I have this day served copies of document upon all parties of record in this proceeding, by (here state the method of making service which must be consistent with this part).

Signature \_\_\_\_\_

Date \_\_\_\_\_

(49 U.S.C. 10321, 5 U.S.C. 553)

[47 FR 49554, Nov. 1, 1982, as amended at 48 FR 44827, Sept. 30, 1983]

#### § 1104.13 Replies and motions.

(a) *Time.* A party may file a reply or motion addressed to any pleading within 20 days after the pleading is filed with the Commission, unless otherwise provided.

(b) *Number of copies.* The original of a reply or motion should be accompanied by the same number of copies required to be filed with the pleading to which the reply or motion is addressed.

(c) *Reply to a Reply.* A reply to a reply is not permitted.

#### § 1104.14 Protective orders to maintain confidentiality.

(a) *Segregation of confidential material.* A party submitting materials which it believes are entitled to be kept confidential and not made part of the public docket should submit these materials as a separate package, clearly marked on the outside "Confidential materials subject to a request for a protective order."

(b) *Requests for protective orders.* A request that materials submitted to the Commission be kept confidential should be submitted as a separate pleading and clearly headed "Motion for protective order."

[48 FR 44827, Sept. 30, 1983]

**§ 1104.15 Certification of eligibility for Federal benefits under 21 U.S.C. 853a.**

(a) An individual who is applying in his or her own name for a certificate, license or permit to operate as a motor, water, or rail carrier, household goods freight forwarder or property broker must complete the certification set forth in paragraph (b) of this section. This certification is required if the transferee in a finance proceedings under 49 U.S.C. 10926, §11343, or §11344 is an individual. The certification also is required if an individual applies for authorization to acquire, to construct, to extend, or to operate a rail line.

(b) Certification:

I, \_\_\_\_\_ (Name) \_\_\_\_\_, certify under penalty of perjury under the laws of the United States, that I have not been convicted, after September 1, 1989, of any Federal or State offense involving the distribution or possession of a controlled substance, or that if I have been so convicted, I am not ineligible to receive Federal Benefits, either by court order or by operation of law, pursuant to 21 U.S.C. 853a.

[54 FR 48250, Nov. 22, 1989]

**PART 1105—PROCEDURES FOR IMPLEMENTATION OF ENVIRONMENTAL LAWS**

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- 1105.11 Transmittal letter for Applicant's Report.
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AUTHORITY: 49 U.S.C. 10321, 10505, 10901, 10903–10906, and 11343; 16 U.S.C. 470f, 1451, and 1531; 42 U.S.C. 4332 and 6362(b); and 5 U.S.C. 553 and 559.

SOURCE: 56 FR 36105, July 31, 1991, unless otherwise noted.

**§ 1105.1 Purpose.**

These rules are designed to assure adequate consideration of environmental and energy factors in the Commission's decisionmaking process pursuant to the National Environmental Policy Act, 42 U.S.C. 4332; the Energy Policy and Conservation Act, 42 U.S.C. 6362(b); and related laws, including the National Historic Preservation Act, 16 U.S.C. 470f, the Coastal Zone Management Act, 16 U.S.C. 1451, and the Endangered Species Act, 16 U.S.C. 1531.

**§ 1105.2 Responsibility for administration of these rules.**

The Director of the Office of Economics shall have general responsibility for the overall management and functioning of the Section of Energy and Environment. The Director is delegated the authority to sign, on behalf of the Commission, memoranda of agreement entered into pursuant to 36 CFR 800.5(e)(4) regarding historic preservation matters. The Chief of the Section of Energy and Environment is responsible for the preparation of documents under these rules and is delegated the authority to provide interpretations of the Commission's NEPA process, to render initial decisions on requests for waiver or modification of any of these rules for individual proceedings, and to recommend rejection of environmental reports not in compliance with these rules. This delegated authority shall be used only in a manner consistent with Commission policy. The Director may further delegate procedural authority to the Chief of the Section of Energy and Environment as appropriate. Appeals to the Commission will be available as a matter of right.

**§ 1105.3 Information and assistance.**

Information and assistance regarding the rules and the Commission's environmental and historic review process is available from the Section of Energy and Environment, Interstate Commerce Commission, 12th & Constitution Ave. NW., Washington, DC 20423, telephone: 202-927-6211.

[56 FR 36105, July 31, 1991, as amended at 58 FR 44619, Aug. 24, 1993]